

**CALIFORNIA CODE OF REGULATIONS, TITLE 19, DIVISION 1,  
CHAPTER 1.5**

**INITIAL STATEMENT OF REASONS**

Pursuant to Health and Safety Code Section 13114, the State Fire Marshal shall adopt regulations and standards as he or she may determine to be necessary to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state.

**SPECIFIC PURPOSE AND RATIONALE**

**1. Problem being addressed:** Recent amendments made to Health and Safety Code Section 13114, have added specific requirements for smoke alarms prior to being approved and listed by the State Fire Marshal. The amendments also specify specific enforcement dates and authorizes the State Fire Marshal to create exceptions to some of the smoke alarm requirements. This regulatory proposal would modify Section 208 of Title 19, Chapter 1.5 to reflect those statutory requirements and to set forth the exceptions created by the State Fire Marshal. The regulatory proposals were done to consolidate the smoke alarm requirements into one location so code officials and smoke alarm manufacturers can access the smoke alarm requirements more readily. In addition, the regulatory proposals include exceptions which would exempt specific types of smoke alarms and detectors from the requirements. These proposals are necessary to carry out the provisions found in Health and Safety Code Sections 13114 as amended in SB 1394, Chaptered September 21, 2012 and SB 745, Chaptered August 27, 2013.

**2. Anticipated benefits from this regulatory action:** This regulatory proposal benefits the protection of public health and safety of Californians and provides greater degree of fire safety. This regulatory proposal also provides certain exemptions to the 10 year battery life, hush feature and labeling requirements, which will benefit the citizens of California and smoke alarm manufacturers by reducing cost without compromising consumer fire safety or reliability of the smoke alarms.

**3. Factual basis/rationale for amendment:** Without the proposed amendments, an undue burden would be placed upon code officials and smoke alarm manufacturers to have to refer to the Health and Safety Code and Title 19 for the new smoke alarm requirements. In addition, without the proposed amendment exempting specific types of smoke alarms and detectors, the 10 year battery life, hush feature and labeling requirements for specific smoke alarms, places a cost burden upon smoke alarm manufacturers without any increase to fire and life safety.

## **TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, OR REPORT**

In connection with proposing the regulation amendments, the State Fire Marshal consulted with the State Fire Marshal Fire Alarm Advisory Committee, which consists of local fire, industry and regulatory personnel and the State Board of Fire Services to provide recommendations and review the proposed regulations.

## **NECESSITY**

These proposals are necessary to carry out the provisions found in Health and Safety Code Sections 13114 as amended in SB 1394, Chaptered September 21, 2012 and SB 745, Chaptered August 27, 2013, which mandates the following requirements for smoke alarms: 10 year battery life, display the date of manufacture on the device, provide a place where the date of installation can be written on the device, and incorporation of a hush feature that is intended to allow occupants to temporarily silence smoke alarms that are generating an unwanted alarm due to conditions that create a nuisance alarm, such as cooking. In addition, the amended provisions mandate certain enforcement dates and provides the State Fire Marshal authority, through the regulatory process, to create exceptions to the requirements.

## **CONSIDERATION OF REASONABLE ALTERNATIVES TO THE REGULATION AND THE STATE FIRE MARSHAL'S REASONS FOR REJECTING THOSE ALTERNATIVES**

The State Fire Marshal staff has thoroughly reviewed this proposed regulatory action, including both the positive and negative impacts it will place upon the industry. No alternatives considered by the State Fire Marshal would be more effective in carrying out the purpose of these proposed regulations or be less burdensome to the affected parties than the proposed regulations.

## **REASONABLE ALTERNATIVES – SMALL BUSINESSES**

The proposed regulations have no substantial effect to small businesses. The SFM has identified no alternatives that would lessen adverse impact, if any, on small businesses and still allow the SFM to effectively enforce the regulations.

## **EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS**

The SFM can find no facts, documents, testimony, or evidence that this action will have a significant adverse economic impact on any business. The proposed regulations are beneficial to the fire alarm industry by providing specific exceptions to the 10 year battery and labeling requirements for specific smoke alarm configurations, which in turn will save in manufacturing costs.

## **ECONOMIC IMPACT ANALYSIS AND ASSESSMENT**

The SFM has assessed whether or not and to what extent this proposal would have cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The SFM concludes that the proposed regulatory action, within the State of California, would have no adverse economic impact and would not affect:

1. The creation or elimination of jobs.
  2. The creation of new businesses or the elimination of existing businesses or,
  3. The expansion of businesses currently doing business.
- See economic and fiscal impact on private person and business in the rulemaking file.

## **COORDINATION WITH FEDERAL LAW**

The State Fire Marshal has determined that this proposed regulatory action neither conflicts with nor duplicates any federal regulation contained in the Code of Federal Regulations.

## **SPECIFIC SECTIONS, WHICH HAVE BEEN MODIFIED:**

**Section 208(d)** is proposed to be added to add a new heading for smoke alarms

**Necessity:** The OSFM is proposing to add the new heading to identify for the users the subject matter contained in the section.

**Section 208(d)(1)** is proposed to be added to require commencing July 1, 2014 smoke alarms that are only operated by a battery contain a nonreplaceable, nonremovable battery that is capable of powering the smoke alarm for at least 10 years.

**Necessity:** The 10 year battery requirement and the enforcement date are mandated by Health and Safety Code Section 13114. The 10 year battery life and labeling requirements were added to attempt to address the problem of consumers not replacing smoke alarm batteries in a timely manner, which in the past, has resulted in fatalities due to smoke alarms not working because of lack of battery power.

**Section 208(d)(1) Exception** is proposed to be added to exempt smoke alarms that have been ordered by, or are in the inventory of, an owner, managing agent, contractor, wholesaler, or retailer on or before July 1, 2014, until July 1, 2015.

**Necessity:** The exemption is mandated by Health and Safety Code Section 13114 to allow more time for compliance and to allow manufacturers time to use existing inventory.

**Section 208(d)(2)** is proposed to be added to require commencing January 1, 2015 smoke alarms display the date of manufacture on the device, provide a place on the device where the date of installation can be written, and incorporate a hush feature.

**Necessity:** These requirements and the enforcement date are mandated by Health and Safety Code Section 13114. The manufacture and installation dates are important to

address the shelf life of the installed batteries. The hush feature is important to allow the consumer the ability to silence unnecessary alarms.

**Section 208(d) Exceptions** is proposed to be added to exempt smoke alarms that send a supervision and battery depletion signal to a fire alarm control panel via a low-power wireless signal or that use low-power wireless signal for interconnection and smoke detectors intended for use with fire alarm control panels.

**Necessity:** These exceptions are necessary to eliminate an undue cost burden upon smoke alarm manufacturers and does not reduce the effectiveness of the smoke alarms.